

PUBLIC PROCUREMENT REVIEW BOARD

SPECIAL MEETING

TUESDAY, NOVEMBER 24, 2015

A special meeting of the Public Procurement Review Board (PPRB) was held at 1:30 p.m. in the 13th floor Conference Room of the Woolfolk State Office Building located in Jackson, Mississippi.

PRESENT

Mr. Kevin J. Upchurch, Chairman
Mr. Charles R. Snowden, Member

OTHERS

Mr. Bennie Nutt, Deputy Executive Director, DFA
Ms. Monica Ritchie, Director of the Office of Purchasing, Travel and Fleet Management, DFA
Ms. Aubrey Leigh Goodwin, Special Assistant Attorney General, DFA
Ms. Delores Douglas, PPRB Recorder, DFA

ABSENT

Mr. Freddie M. "Flip" Phillips, Vice Chairman


The Chairman called the meeting to order and commenced the meeting with a prayer.

OFFICE OF PURCHASING, TRAVEL AND FLEET MANAGEMENT

Ms. Monica Ritchie, presented the following:

1. Jackson State University (JSU) has submitted a P-1 requested approval from PPRB for the purchase of two (2) MCI J4500 Motor Coach Buses. The bid specifications as advertised listed brand specific buses as MCI J4500 models and JSU failed to request prior approval from the Chief Procurement Officer as required by Section 4.104.01.2 of the Procurement Manual. The University recognizes that MCI brand-specific specifications were not approved per state procurement regulations and apologizes for the error in protocol. The University is unable to provide a detailed justification for how this occurred since the staff in place at the time, are no longer at the University. As a result of being brand specific, JSU limited the competition to one manufacturer and only received one bid. The purchase has been approved by the IHL Board of Trustees, and the buses have been manufactured and delivered. JSU requested deviation from procurement laws and requested PPRB approval of this purchase using Master Lease funds. Based on the information submitted from the agency, OPTFM believes that it is in the best interest of the State to approve the deviation from regulation and approve the use of Master Lease funds as the buses have been in use by JSU since October 2015 and the Master Lease Purchase Funds have been obligated to finance the cost of this acquisition. Mr. Upchurch made a motion to retroactively approve the requested deviation from regulation and authorize the use of the Master Lease Purchase Program to finance this acquisition. Mr. Snowden seconded and the motion carried.

There being no further business to bring before the Board, the meeting was adjourned.



Mr. Charles R. Snowden



Mr. Kevin J. Upchurch



PUBLIC PROCUREMENT REVIEW BOARD

Special Meeting

Tuesday
1:30 p.m.

November 24, 2015

ATTENDANCE SHEET

NAME AND TITLE

AGENCY/COMPANY

(Please Print)

RICK SNOWDEN	DFA
Monica Ritchie	DFA / OPT FM
Bennie Nutt	DFA
Kevin Upchurch	DFA
Anthony Leigh Goodwin	AG / DFA
Delores Douglas	DFA



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

DEPARTMENT OF FINANCE AND ADMINISTRATION

KEVIN J. UPCHURCH
EXECUTIVE DIRECTOR

NOTICE

A Special Meeting of the

PUBLIC PROCUREMENT REVIEW BOARD

will be held Tuesday, November 24, 2015, 1:30 p.m. in the
13th floor Conference Room
Woolfolk State Office Building

Agenda: Approval of a Purchase for Jackson State University and Miscellaneous

AGENDA

**PUBLIC PROCUREMENT REVIEW BOARD
Special Meeting
1:30 p.m.**

TUESDAY, NOVEMBER 24, 2015

I. OFFICE OF PURCHASING, TRAVEL AND FLEET MANAGEMENT

Ms. Monica Ritchie, Director of the Office of Purchasing, Travel and Fleet Management, presents the following:

- 1 contract for Jackson State University (JSU)

II. NEXT MEETING DATE

Regular Meeting, Wednesday, December 02, 2015

OFFICE OF PURCHASING, TRAVEL AND FLEET MANAGEMENT
PUBLIC PROCUREMENT REVIEW BOARD
SPECIAL MEETING AGENDA
November 24, 2015

- 1. REQUESTING AGENCY:** Jackson State University
SUPPLIER: Motor Coach Industries
MAGIC NUMBER: 8200021914
AMOUNT OF CONTRACT: \$1,094,000.00 – financed through State’s MASTER LEASE PROGRAM
TERM OF CONTRACT: One time purchase for two buses (bid was advertised July 2014)
SCOPE OF CONTRACT: Request for PPRB approval of purchase of two (2) MCI J4500 Motor Coach Buses, deviation from regulations, and approval to use State’s Master Lease program
PURCHASE METHOD: Bid Solicitation
COMMENTS: Jackson State University has submitted a P-1 requesting approval from PPRB for the purchase of two (2) MCI J4500 Motor Coach Buses.
COMPLIANCE WITH PROCEDURES (YES, NO): No
If no, explanation: The bid specifications as advertised listed brand specific buses as MCI J4500 models and JSU failed to request prior approval from the Chief Purchasing Officer as required by Section 4.104.01.2 of the Procurement Manual. The University recognizes that MCI brand-specific specifications were not approved per state procurement regulations and apologizes for the error in protocol. The University is unable to provide a detailed justification for how this occurred since the staff in place at the time, are no longer at the University. As a result of being brand specific, JSU limited their competition to one manufacturer, due to this they only received one bid. The purchase has been approved by the IHL Board of Trustees, the buses have been manufactured and delivered. Jackson State is requesting deviation from procurement laws and requests PPRB approval of this purchase using Master Lease funds.
ADDITIONAL COMMENTS IF NEEDED: Based on the information submitted from the agency, OPTFM believes that it is in the best interest of the State to approve the deviation from regulation and approve the use of Master Lease funds.



MATTHEW A. TAYLOR
General Counsel
matthew.a.taylor@jsums.edu

November 13, 2015

EDWARD O. WATSON
Associate General Counsel
edward.o.watson@jsums.edu

Via email Monica.Ritchie@dfa.ms.gov
Mrs. Monica Ritchie, Director of Purchasing, Travel and Fleet Management
DFA - Office of Purchasing, Travel and Fleet Management
Woolfolk Building #701A
501 N. West Street
Jackson, Mississippi 39201

Re: Jackson State University, RFP 15-02, Buses

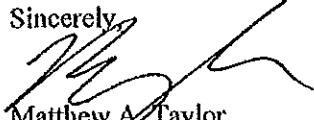
Dear Mrs. Ritchie:

Pursuant to Michael Cook's email of November 5, 2015, please accept this correspondence as a formal response and request for approval for the purchase of MCI buses identified therein.

Based on my review of the documentation supporting the purchase request, I have concluded that, while the publication of the bid advertisement in July, 2014 was not brand-specific, the bid specification packet submitted to the inquiring vendors inadvertently specified the buses as MCI J4500 models, without pre-approval of the Chief Purchasing Officer, as required by Mississippi Procurement Manual Regulation 4.104.01.2. As the JSU employee who processed the advertising and solicitation of the bids is no longer with the University, I have not been able to determine how this error occurred. However, the University recognizes that the MCI brand-specific bid was not approved per state purchasing regulations, and sincerely apologizes for this lapse in protocol.

In summary, JSU did not have authority to solicit brand-specific bids for MCI buses. However, as the buses have been manufactured and delivered and the purchase approved by the Board of Trustees for the State Institutions of Higher Learning, pending approval by DFA, JSU requests deviation from state purchasing regulations as set forth herein and that the University be allowed to finalize purchase of the buses. Per Mr. Cook's request, I have attached a copy of the P1.

I thank you for your consideration of this request. If you have any questions or concerns, please give me a call.

Sincerely

Matthew A. Taylor,
General Counsel

mat:td
Attachment
cc: Dana A. Brown, Chief Financial Officer, JSU, via email
Michael Cook, Director, Office of Purchasing and Travel, DFA, via email

REQUEST FOR AUTHORITY TO PURCHASE

TO: Office of Purchasing, Travel,
and Fleet Management
501 North West Street
701 Woolfolk Building, Suite A
Jackson, MS 39201

We hereby request "Authority to Purchase" the following commodity/commodities covered by Purchasing Regulations.
TAB TO CLEAR FIELDS

QUANTITY	UNIT OF MEASURE	DESCRIPTION	PRICE EACH	TOTAL (Do not use commas)
2		Buses CMI J4500	547,000	1,094,000

QUANTITY	UNIT OF MEASURE	DESCRIPTION	PRICE EACH	TOTAL

PROOF OF PUBLICATION
THE STATE OF MISSISSIPPI
HINDS COUNTY

PERSONALLY appeared before me, the undersigned notary public in and for Hinds County, Mississippi,

PASTE PROOF HERE

C44731
JACKSON STATE - PROCUREMENT,
0200468725
RFB 15-01 & 15-02 (Instruments, Buses)

BEVERLY BENNETT

an authorized clerk of THE CLARION-LEDGER, a newspaper as defined and prescribed in Sections 13-3-31 and 13-3-32, of the Mississippi Code of 1972, as amended, who, being duly sworn, states that the notice, a true copy of which is hereto attached, appeared in the issues of said newspaper as follows:

7/15/2014
7/22/2014

Size: 86 words / 1.00 col. x 21.00 lines
Published: 2 time(s).
Total: \$30.92

Signed *Beverly Bennett*
Authorized Clerk of
The Clarion-Ledger

SWORN to and subscribed before me on 7/22/2014.

Rick Tyler
Notary Public

RICK TYLER

Notary Public State of Mississippi at Large. Bonded thru
Notary Public Underwriters

(SEAL)

Notice published on July 15 & 22, 2014

